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**REMARKS/ARGUMENTS**

Claims 1 through 7 and 15 through 37 remain in this application, in which claims 1, 5, 15, 19, 22, 25, 28 and 31 are independent. Claims 8 through 14 have been canceled without prejudice or disclaimer, and claims 34 through 37 have been added. In addition, claims 1, 5, 6, 15, 19, 20, 22, 25, 26, 28, 31 and 32 have been amended.

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. US 2004/0259598 A1 to Wagner, et al. ("Wagner, et al. publication"). Claims 2 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Wagner, et al. publication in view of U.S. Patent No. US 6,742,033 B1 to Smith, et al. ("Smith, et al. patent"). Claims 5, 15, 19, 22, 25, 28 and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Wagner, et al. publication. Claims 3, 6, 17, 20, 23, 26, 29 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Wagner, et al. publication in view of U.S. Patent Application Publication No. US 2002/0157092 A1 to Kitsukawa, et al. ("Kitsukawa, et al. publication"). Claims 4, 7, 18, 21, 24, 27, 30 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Wagner, et al. publication in view of the Kitsukawa, et al. publication and U.S. Patent Application Publication No. US 2002/0059628 A1 to Mori, et al. ("Mori, et al. publication").

Claims 1 and 15 as amended provide, *inter alia*, receiving usage information, from a remote device, that includes a previous time period of call communication. Claims 22 and 28 as amended provide, *inter alia*, monitoring usage information, indicating activity of a wireless

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communication device, that includes a previous time period of call communication. Support for the above added recitation is provided at page 37, lines 9 through 15, of the specification. The Wagner, et al. publication describes a context based mobile device that provides a hockey report based on previous usage, but does not describe or suggest any determination based on a time period of call communication. Likewise, the Smith, et al. patent, Kitsukawa, et al. publication and Mori, et al. publication do not describe or suggest any determination based on time period of call communication. Thus, the Wagner, et al. publication, Smith, et al. patent, Kitsukawa, et al. publication and Mori, et al. publication, individually or in combination, do not describe or suggest receiving or monitoring usage information that includes a previous time period of call communication (voice, text, and the like), as required by claims 1, 15, 22 and 28. Therefore, claims 1, 15, 22 and 28 distinguish patentably from the Wagner, et al. publication, Smith, et al. patent, Kitsukawa, et al. publication, Mori, et al. publication, and any combination of there references.

Claims 5, 19, 25 and 31 as amended provide, *inter alia*, minimizing communication of event content to a device during at least one future time period corresponding to a time period of call communication. Support for the above added recitation is provided at page 37, lines 9 through 15, of the specification. The Wagner, et al. publication describes a context based mobile device that provides a hockey report based on previous usage, but does not describe or suggest any minimizing communication during a time period corresponding to a previous time period of call communication. Likewise, the Smith, et al. patent, Kitsukawa, et al. publication and Mori, et al. publication do not describe or suggest any minimizing communication during a time period

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corresponding to a previous time period of call communication. Thus, the Wagner, et al. publication, Smith, et al. patent, Kitsukawa, et al. publication and Mori, et al. publication, individually or in combination, do not describe or suggest minimizing communication of event content to a device during at least one future time period corresponding to a time period of call communication (voice, text, and the like), as required by claims 5, 19, 25 and 31. Therefore, claims 5, 19, 25 and 31 distinguish patentably from the Wagner, et al. publication, Smith, et al. patent, Kitsukawa, et al. publication, Mori, et al. publication, and any combination of these references.

Applicants' dispute the Examiner's assertion that it would have been obvious to modify the Wagner, et al. publication, such that a time period of inactivity could be determined based on the usage information of the device, and minimizing communication of event content to the device during one or more future time periods corresponding to the time period of inactivity. However, Applicants consider this issue to be moot in view of the above amendments to claims 5, 19, 25 and 31.

Claims 2 through 4, 6, 7, 16 through 18, 20, 21, 23, 24, 26, 27, 29, 30, 32 and 33 depend from and include all limitations of independent claims 1, 5, 15, 19, 22, 25, 28 and 31, as amended. Therefore, claims 2 through 4, 6, 7, 16 through 18, 20, 21, 23, 24, 26, 27, 29, 30, 32 and 33 distinguish patentably from the Wagner, et al. publication, Smith, et al. patent, Kitsukawa, et al. publication, Mori, et al. publication, and any combination of these references for the reasons stated above for claims 1, 5, 15, 19, 22, 25, 28 and 31.

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In view of the above, reconsideration and withdrawal of the 35 U.S.C. §102(b) and 35 U.S.C. §103(a) rejections of claims 1 through 7 and 15 through 33 are respectfully requested.

New claims 34 through 37 are hereby presented to specifically cover a certain aspect of Applicants' system and method. In particular, claims 34 through 37 provide, *inter alia*, minimizing content communication during a time period corresponding to the previous time period of call communication. Support for the above added recitation is provided at page 37, lines 9 through 15, of the specification. The Wagner, et al. publication, Smith, et al. patent, Kitsukawa, et al. publication and Mori, et al. publication, individually or in combination, do not describe or suggest this aspect of Applicants' system and method. Therefore, allowance of new claims 34 through 37 is believed warranted.

### CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request


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that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,  
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